

1 James A. Hennefer (State Bar No. 059490)
2 HENNEFER, FINLEY & WOOD, LLP
3 425 California Street, 19th Floor
San Francisco, CA 94104-2296
3 Telephone: (413) 421-6100
Facsimile: (413) 421-1815
4 Email: jhennefer@hennefer-wood.com

5 Attorney for Plaintiff J. Augusto Bastidas, M.D.

6 *Additional counsel on next page*

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9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

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12 J. AUGUSTO BASTIDAS, M.D.;

13 PLAINTIFF,

14 v.

15 GOOD SAMARITAN HOSPITAL LP, A
16 DELAWARE LIMITED PARTNERSHIP;
GOOD SAMARITAN HOSPITAL LLC, A
17 DELAWARE LIMITED LIABILITY
COMPANY; GOOD SAMARITAN
18 HOSPITAL MEDICAL STAFF, A
CALIFORNIA UNINCORPORATED
19 ASSOCIATION; HCA, INC., A DELAWARE
CORPORATION; STEVEN M. SCHWARTZ,
20 M.D.; AND BRUCE G. WILBUR, M.D.

21 DEFENDANTS.

22 CASE NO. C-13-4388-SI

23 **JOINT STIPULATION AND [PROPOSED]
ORDER TO VACATE THE INITIAL
CASE MANAGEMENT CONFERENCE
SCHEUDLED FOR MARCH 21, 2014**

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Judge: Hon. Susan Illston
Complaint Filed: September 20, 2013
Trial Date: None Set

C-13-4388-SI

1 Thad A. Davis, SBN 220503
2 Michael Li-Ming Wong, SBN 194130
3 Vanessa A. Pastora, SBN 277837
4 GIBSON, DUNN & CRUTCHER LLP
5 555 Mission Street, Suite 3000
6 San Francisco, CA 94105-0921
7 Telephone: (415) 393-8200
8 Facsimile: (415) 393-8306
9 Email: TADavis@Gibsondunn.com
10 MWong@Gibsondunn.com
11 VPastora@Gibsondunn.com

12 Attorneys for Defendants Good Samaritan Hospital LP,
13 Samaritan, LLC, and Good Samaritan Hospital Medical Staff,
14 Stephen M. Schwartz, M.D., and Bruce G. Wilbur, M.D.

15 GEORGE A. SHANNON, JR. (*Pro Hac Vice*)
16 State Bar of Texas Bar No. 18106000
17 Carlos A. Mattioli (*Pro Hac Vice*)
18 State Bar of Texas Bar No. 00789474
19 Adam C. Kiehne (*Pro Hac Vice*)
20 State Bar of Texas Bar No. 24054926
21 SHANNON, MARTIN, FINKELSTEIN, ALVARADO & DUNNE, P.C.
22 1001 McKinney Street, Suite 1100
23 Houston, TX 77002
24 Telephone: (713) 646-5500
25 Facsimile: (713) 752-0337
26 Email: gshannon@smfadlaw.com
27 cmattioli@smfadlaw.com
28 akiehne@smfadlaw.com

1 JONATHAN R. BASS (State Bar No. 75779)
2 ZUZANA S. IKELS (State Bar No. 208671)
3 MARK L HEJINIAN (State Bar No. 281417)
4 COBLENTZ PATCH DUFFY & BASS LLP
5 One Ferry Building, Suite 200
6 San Francisco, California 94111-4213
7 Telephone: (415) 391-4800
8 Facsimile: (415) 989-1663
9 Email: ef-jrb@cpdb.com
10 ef-zsi@cpdb.com
11 ef-mlh@cpdb.com

12 Attorneys for Defendant HCA Inc.

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1 WHEREAS, on September 20, 2013, Plaintiff J. Augusto Bastidas, M.D. filed a Complaint
2 against Defendants Good Samaritan Hospital LP; Good Samaritan Hospital LLC; Good Samaritan
3 Hospital Medical Staff; HCA Inc.; Steven M. Schwartz, M.D.; and Bruce G. Wilbur, M.D. for (1)
4 racial discrimination under 42 U.S.C. § 1981, and (2) denial of due process under 42 U.S.C.
5 § 1983; and

6 WHEREAS, previously on October 23, 2013, the parties stipulated and received the
7 Court's permission to an extension until December 2, 2013 for Defendants to answer or otherwise
8 respond to Plaintiff's Complaint; and

9 WHEREAS, previously on December 17, 2013, the parties stipulated to and received the
10 Court's permission to re-set the initial Case Management Conference from February 28, 2014 to
11 March 21, 2014; and

12 WHEREAS, previously on January 24, 2014, the parties stipulated and received the
13 Court's permission to change the Opposition and Reply Deadlines to the above referenced
14 Motions to Dismiss filed by the Good Samaritan Hospital Defendants and HCA Inc. and the
15 Motion to Strike filed by HCA Inc., such that the final Replies were due and filed on February 21,
16 2014; and

17 WHEREAS, previously on February 28, 2014, the parties stipulated and received the
18 Court's permission to extend the deadline to hold the Federal Rule of Civil Procedures 26(f)
19 conference until 10 days following the date of the latest entered order by the Court as to the
20 Motions to Dismiss filed by the Good Samaritan Hospital Defendants and HCA Inc. and the
21 Motion to Strike filed by HCA Inc. (the "Latest Entered Order"). The parties further stipulated and
22 received the Court's permission to defer related reporting deadlines, including addressing certain
23 topics in the Joint Case Management Statement due on March 14, 2014 until 25 days following the
24 date of the Latest Entered Order; and

1 WHEREAS, on March 13, 2014 the parties filed a Joint Case Management Statement
2 [Docket 55]; and

3 WHEREAS, on March 13, 2014, the Court entered an Order Granting Motions to Dismiss
4 (“March 13, 2014 Order”) [Docket 56] in which the Motion to Dismiss filed by GSH Defendants
5 [Docket 43] and the Motion to Dismiss filed by HCA Inc. [Docket 41] were granted, with leave to
6 amend except as to the claim under 42 U.S.C. Section 1983. The March 13, 2014 Order also
7 denied as moot HCA Inc.’s Motion to Strike [Docket 42]; and

8 WHEREAS, the parties’ initial Case Management Conference is currently scheduled on
9 March 21, 2014 at 2:30 P.M.; and

10 WHEREAS, given the rulings in the March 13, 2014 Order and the matters that have been
11 addressed in the Joint Case Management Conference, the parties agree that a Case Management
12 Conference would be premature at this time, and also agree that they should jointly request the
13 Court to vacate the Case Management Conference, subject to the Court’s establishing a future date
14 and time for the same as the Court deems appropriate.

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties
16 as follows:

17 1. The parties jointly request that the Court vacate the initial Case Management
18 Conference scheduled for March 21, 2014 at 2:30 P.M.

19 2. The Initial Case Management Conference will be rescheduled by the Court when
20 and as it deems appropriate.

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Respectfully submitted,

2 | DATED: March 17, 2014

HENNEFER, FINLEY & WOOD, LLP

BY: /s/ James A. Hennefer
JAMES A. HENNEFER
Attorneys for Plaintiff J. Augusto Bastidas, M.D.

SHANNON, MARTIN, FINKELSTEIN, ALVARADO
& DUNNE, P.C.

BY: /S/ George A. Shannon, Jr.
GEORGE A. SHANNON, JR. (*Pro Hac Vice*)
Carlos A. Mattioli (*Pro Hac Vice*)
Adam C. Kiehne (*Pro Hac Vice*)
Attorneys for Defendant HCA Inc.

GIBSON, DUNN & CRUTCHER LLP

BY: /S/ Thad A. Davis
THAD A. DAVIS
MICHAEL LI-MING WONG
Attorneys for Defendants Good Samaritan
Hospital, L.P., Samaritan, LLC, Good Samaritan
Hospital Medical Staff, Steven M. Schwartz,
M.D., and Bruce G. Wilbur, M.D.

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2 **[[PROPOSED] ORDER**

3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case management conference set
4 6/6/14.

5 DATED: 3/18/14

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10 HONORABLE SUSAN ILLSTON
11 UNITED STATES DISTRICT JUDGE
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1 FILER'S ATTESTATION

2 I, George A. Shannon, Jr., hereby attest that concurrence in the filing of this Joint
3 Stipulation to Vacate the Initial Case Management Conference Scheduled for March 21, 2014 has
4 been obtained from each of the other signatories listed above, each of whom has authorized me to
5 affix their electronic signature to this Stipulation.

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7 Respectfully submitted,
8 SHANNON, MARTIN, FINKELSTEIN, ALVARADO
& DUNNE

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10 By: /s/ George A. Shannon, Jr.

11 George A. Shannon, Jr.
12 Attorney for Defendant HCA Inc.

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1 **CERTIFICATE OF SERVICE**

2 **STATE OF TEXAS, COUNTY OF HARRIS**

3 At the time of service, I was over 18 years of age and not a Party to this action. I am
4 employed in the County of Harris, State of Texas. My business address is 1001 McKinney Street,
5 Suite 1100, Houston, TX 77002.

6 On March 17, 2014, I served true copies of the following document(s) described as

7 **JOINT STIPULATION TO RESET INITIAL CASE MANAGEMENT
CONFERENCE**

8 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s)
9 with the Clerk of the Court by using the CM/ECF system. Participants in the case who are
10 registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are
11 not registered CM/ECF users will be served by mail or by other means permitted by the court
12 rules.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct and that I am employed in the office of George A. Shannon, Jr. who
15 has been admitted pro hac vice in this case and at whose direction the service was made.

16 Executed on March 17, 2014, at Houston, Texas.

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15 */s/ Cindy DeMott* _____
16 Cindy DeMott